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9 Attorneys for Defendant  
10 JOHN CRANE, INC.

**FILED**  
DISTRICT COURT OF GUAM

OCT 25 2005 *AP*

MARY L.M. MORAN  
CLERK OF COURT

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF GUAM

13 CESS NAVARRO OLMO, RONNIE) CIVIL CASE NO. 05-00025  
14 PASCUAL FERRERAS, )

15 Plaintiff, )

16 vs. )

17 A.P. GREEN INDUSTRIES, INC. A.P.)  
18 GREEN SERVICES, INC., A.W.)  
19 CHESTERTON COPANY, AMCHEM)  
20 PRODUCTS, INC., ARMSTRONG)  
21 WORLD INDUSTRIES, INC., ASBESTOS)  
22 CLAIMS MANAGEMENT)  
23 CORPORATION, BABCOCK & WILCOX)  
24 COMPANY, COMBUSTION)  
25 ENGINEERING, INC., DOW CHEMICAL)  
COMPANY, DRESSER INDUSTRIES,)  
INC., FLEXITALLIC, INC., FLINTKOTE)  
COMPANY, FOSTER WHEELER CORP.,)  
GAF CORPORATION, GARLOCK, INC.,)  
GEORGIA-PACIFIC CORPORATION,)  
HARBISON-WALKER REFRACTORIES)  
CO., HONEYWELL INTERNATIONAL,) INC., JOHN CRANE, INC., KAISER)

PRO HAC VICE APPLICATION OF  
STEPHEN D. TOM and AIMEE H.  
OYASATO; MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT THEREOF

1 GYPSUM COMPANY, INC.,)  
2 METROPOLITAN LIFE INSURANCE)  
3 COMPANY, OWENS CORNING, OWENS-)  
4 ILLINOIS, INC., PITTSBURGH CORNING)  
5 CORPORATION, QUIGLEY COMPANY,)  
6 INC., UNITED STATES GYPSUM)  
7 COMPANY, VIACOM, INC., )  
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Defendants. )

6 Pursuant to the Local Rules of Practice for the District Court of Guam, General  
7 Rule 17.1(d), Stephen D. Tom and Aimee H. Oyasato, of the law firm of WHITE &  
8 TOM, 820 Mililani Street, Suite 711, Honolulu, Hawaii 96813-2972, telephone: (808)  
9 547-5151, facsimile: (808) 599-4517, hereby requests this Court to enter an order  
10 permitting them to appear and participate in this particular matter as counsel *pro hac*  
11 *vice*.  
12

13 This application is supported by the attached Memorandum of Points and  
14 Authorities, the Declarations of Stephen D. Tom and Aimee H. Oyasato, and  
15 Designation of Local Counsel filed contemporaneously herewith.

16 Dated this 24<sup>th</sup> day of October, 2005.

17 WHITE & TOM  
18 Attorneys for Defendant  
19 JOHN CRANE, INC.

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21 BY:

  
AIMEE H. OYASATO, ESQ.

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1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**  
2                                   **IN SUPPORT OF PRO HAC VICE APPLICATION**

3           Suit has been filed by Plaintiffs CESS NAVARRO OLMO and RONNIE  
4 PASCUAL FERRERAS seeking an unspecified amount of damages for bodily injuries.  
5 This is a diversity suit wherein Plaintiffs are seeking in excess of \$75,000.00 for  
6 personal injuries incurred as a result of exposure to asbestos. The Plaintiffs are  
7 subcontractors or workers who provided services to the U.S. Navy and/or U.S. Navy  
8 contractors. Defendant JOHN CRANE, INC. has been named as a defendant in this  
9 action.

10           It is anticipated this matter will involve complex liability and medical issues on  
11 asbestos-related injuries, necessitating the need for experienced attorneys to assist in  
12 the handling of this litigation. Defendant JOHN CRANE, INC. desires that Stephen D.  
13 Tom and Aimee H. Oyasato, of the law firm of White & Tom, represent its interests in  
14 this action with MAHER • YANZA • FLYNN • TIMBLIN, LLP participating as local  
15 counsel in accordance with the Rules of this Court. On this basis, Stephen D. Tom  
16 and Aimee H. Oyasato, of the law firm of White & Tom, 820 Mililani Street, Suite 711,  
17 Honolulu, Hawaii 96813-2972, applies for admission to appear and practice in this  
18 case as counsel *pro hac vice*.  
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21                                   **I.**

22                                   **DISCUSSION**

23           G.R. 17.1(d) of the Local Rules of Practice of the District Court of Guam  
24 permits attorneys who have not been admitted to practice in Guam but who are  
25 eligible to practice before "the bar of any United States Court or the highest court of

1 any State or of any Territory or Insular Possession of the United States” to participate  
2 *pro hac vice* in the District Court of Guam. D. Guam Ct. R. GR 17.1(d). Any such  
3 applications are granted upon the discretion of the District Court. *Id.* Since the  
4 Supreme Court ruling in *Selling v. Radford*, 243 U.S. 46 (1917), district courts have  
5 liberally granted admission *pro hac vice* to attorneys who are members in good  
6 standing in a state other than where admission is sought. However, the District Court  
7 has authority to promulgate local rules governing the requirements and conditions  
8 under which such admissions shall be granted, and may require that local counsel be  
9 designated to assist in the conduct of the case. *Ma v. Community Bank*, 686 F.2d 459  
10 (7<sup>th</sup> Cir. 1982).

12 In the case at bar, Defendant JOHN CRANE, INC. has sought the assistance of  
13 White & Tom, an off-island law firm with extensive federal multidistrict experience.  
14 Louie J. Yanza, of the law firm of MAHER • YANZA • FLYNN • TIMBLIN, LLP,  
15 consents to serve as designated local counsel, in accordance with General Rule  
16 17.1(d). As stated in their Declarations, the applicants are members in good standing  
17 and eligible to practice in this jurisdiction indicated in their respective Declarations and  
18 they are not currently suspended or disbarred in any other court.

## 20 II.

### 21 CONCLUSION

22 Applicants have satisfied the formal requirements under General Rule 17.1(d)  
23 for admission *pro hac vice*. Further, in light of the technical nature of the subject  
24 matter of the present litigation and Applicants’ specialized experience, Defendant  
25

1 JOHN CRANE, INC.'s desire to employ the Applicants for the purpose of representing  
2 their interest in the U.S. District Court, District of Guam in this particular matter.

3 For these reasons, Applicant respectfully requests this Court issue an Order  
4 granting Stephen D. Tom and Aimee H. Oyasato's *Pro Hac Vice* application.

5 Respectfully submitted this 24<sup>th</sup> day of October, 2005.

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7 **WHITE & TOM**  
8 Attorneys for Defendant  
9 **JOHN CRANE, INC.**

10 BY:



11 **AIMEE H. OYASATO, ESQ.**  
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